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PATENT  
Attorney Docket No.: 020375-047600US

TOWNSEND and TOWNSEND and CREW LLP

By: /Stephanie Klepp/  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS**

In re application of:

Fred C. Casto et al.

Application No.: 10/718,481

Filed: November 19, 2003

For: AUTOMATED PREPARATION OF  
RADIO-FREQUENCY DEVICES FOR  
DISTRIBUTION

Customer No.: 20350

Confirmation No. 8447

Examiner: Nam V. Nguyen

Technology Center/Art Unit: 2612

REPLY BRIEF UNDER 37 CFR § 41.37

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Appellants offer this Reply Brief in response to the Examiner's Answer mailed November 15, 2007 ("Examiner's Answer"). It is respectfully believed, after careful consideration of the lengthy Examiner's Answer, that the claims remain patentable for the reasons set forth in Appellants' Brief, which are hereby incorporated by reference. The following remarks are intended to further support and clarify the issues in this appeal, and should not be construed as substituting or limiting those arguments previously presented in Appellant's Brief.

**Remarks**

To support a rejection under 35 U.S.C. §103, the Examiner is charged with demonstrating that all limitations of the claims are taught or suggested by the prior art (MPEP 2142) and with "identify[ing] a reason that would have prompted a person of ordinary skill in the

relevant field to combine the [prior art] elements” in the manner claimed. *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_\_ at 15 (2007). In this instance, the Examiner’s Answer relies on U.S. Pat. No. 6,557,758 (“Monico”) for most of the limitations of the independent claims, citing U.S. Pat. No. 6,398,109 (“Okhi”) for the proposition that stations at which different functions of a process like that described in Monico can be different.

In fact, Monico fails to teach or suggest methods for “automated preparation of radio-frequency devices for distribution ... [by] sequentially moving each of the radio-frequency devices to a plurality of stations of a preparation device,” as recited in independent claims 1, 23, and 26. Examiner continues to assert that Monico discloses this recitation merely by discussing the handling of a product with an RFID tag by following certain procedures. See Examiner’s Answer, p. 11. Indeed, the present application does handle a product with an RFID tag by following certain procedures. This discussion in Monico, however, is markedly deficient in any disclosure of methods for *automated preparation* of radio-frequency devices for distribution by sequentially moving each of the radio-frequency devices to a plurality of stations of a preparation device.

Even assuming, *arguendo*, that it would be proper to combine Okhi with Monico, the combination would not cure this deficiency in Monico. Specifically, the physical distribution system of Okhi is completely different from the plurality of stations of a preparation device, as generally recited in claims 1, 23, and 26. Specifically, Okhi generally describes distribution systems with remote, physical stations controlled by different “trades” (e.g., the “sending trade,” “conveying trade,” and “receiving trade” of Okhi, Fig. 1). Because of the nature of RFID in ensuring proper delivery from a sending trade to a receiving trade, a preparation device must be located at the sending trade to properly prepare radio-frequency devices before distribution. As such, it would make no sense to distribute the stations of a preparation device like that of the present application across a distribution system like that of Okhi.

For at least these reasons, the cited references fail to demonstrate that all limitations of the claims are taught or suggested by the prior art. Further, Examiner fails to

identify any reason that would have prompted a person of ordinary skill in the relevant field to combine prior art elements in the manner claimed. As such, Applicants respectfully submit that a *prima facie* case of obviousness has not been met, and claims 1, 23, and 26 are therefore allowable. Accordingly, claims 2 – 15, 24 – 25, and 27 – 28 are also believed to be allowable at least by virtue of their dependence from allowable base claims.

### CONCLUSION

Thus, for at least the reasons presented herein and those stated in Appellants' Appeal Brief, it is believed that claims 1 – 15, 23 – 25, and 26 – 28 are entitled to allowance. Appellants respectfully ask the Board to reverse each of the rejections of the Examiner. Although Appellants believe no fee is due, please deduct from Deposit Account 20-1430 any fees that are due in association with the filing of this Reply Brief.

Respectfully submitted,

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